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# Voting Materials in English Only.

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## Voting Materials in English Only. Initiative Statute

### Official Title and Summary Prepared by the Attorney General

**VOTING MATERIALS IN ENGLISH ONLY. INITIATIVE STATUTE.** States declaration of public policy concerning use of common English language. Adds a new statute requiring the Governor to write to the President of the United States, the United States Attorney General, and all members of Congress, a communication urging that federal law be amended so that ballots, voters' pamphlets, and all other official voting materials shall be printed in English only. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: The cost to the state of providing the written communication required by this measure would be insignificant.

### Analysis by the Legislative Analyst

#### Background

The Constitution of the United States guarantees the right of citizens to vote. It also provides all persons equal protection under the law.

According to the California Secretary of State, the federal Voting Rights Act of 1965, as amended in 1982, requires 10 of California's 58 counties to provide members of certain language minority groups with information in their native language that will help them exercise their right to vote. This information is generally required to be provided in written form. Counties subject to the federal Voting Rights Act have at least one language minority group that does not speak or understand English adequately enough to participate in the electoral process and whose voting age population comprises more than 5 percent of the county's total number of citizens of voting age. Under the act, there are four specified language minority groups: American Indians, Asian-Americans, Alaskan natives, and persons who are of Spanish heritage.

California law requires those 48 counties *not* subject to the provisions of the federal Voting Rights Act to post in each voting precinct certain election materials in Spanish or in specified languages other than English, unless the Secretary of State determines that a particular precinct lacks a language minority population large enough to warrant the preparation and posting of such materials.

#### Proposal

This measure requires the Governor to deliver to the President of the United States, the Attorney General of the United States, and all Members of Congress a written communication which urges the enactment of an amendment to federal law so that ballots, voters' pamphlets, and all other official voting materials shall be printed in English only.

#### Fiscal Effect

The cost to the state of providing the written communication required by this measure would be insignificant.

## Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure proposes to add new provisions to the law. Therefore, the new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

#### ENGLISH BALLOT INITIATIVE

##### *Section 1. Findings and Declarations.*

*We the People of the State of California do hereby find and declare that:*

*(a) The United States has been and will continue to be enriched by the cultural contributions of immigrants from many countries with many different traditions.*

*(b) A common language, English, unites our immigrant residents, fosters harmony among our people, promotes political stability, permits interchange of ideas at many levels and encourages societal integration.*

*(c) The United States Government should foster similarities that unite our people, the most important of which is the use of the English language.*

*(d) Multilingual ballots are divisive, costly and often delay or prevent our immigrant citizens from moving into the economic, political, educational and social mainstream of our country.*

*(e) Multilingual ballots are unnecessary since immigrants seeking citizenship must pass an examination for literacy and proficiency in English.*

##### *Section 2. Transmittal.*

*The Governor of the State of California, within thirty (30) days of enactment of this statute, shall sign and cause to be delivered to the President of the United States, the Attorney General of the United States and to all members of the United States Congress a written communication which incorporates the findings and declarations in Section 1 and includes the following language:*

*"The People of the State of California recognizing the importance of a common language in unifying our diverse nation hereby urge that Federal law be amended so that ballots, voters' pamphlets and all other official voting materials shall be printed in English only."*

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## Argument in Favor of Proposition 38

In 1975, with little discussion or input from the American people, Congress enacted legislation requiring foreign language ballots and voting materials. We urge Congress to rescind this requirement for the following reasons:

Foreign language ballots falsely imply that a full economic, social and political life can be achieved in the United States without competence in English.

Citizens who have limited or no knowledge of English do not have access to essential information for independent decision-making. They are easily led into block voting by opportunistic political leaders.

Foreign language ballots invite abuse. A check of San Francisco bilingual ballot users in 1981 disclosed that 20% were not United States citizens. Such abuse poses a danger to the intended functioning of a democratic system.

Foreign language ballots are unnecessary because virtually all applicants for United States citizenship must pass a test for literacy and proficiency in English.

Foreign language ballots create tensions and ill will among neighbors. Earlier immigrants, as a matter of course, learned English in their new country in order to participate fully in American life. They resent special treatment for other immigrants.

Foreign language ballots are costly. Last year, San Francisco spent \$150,000 for ballots in three languages. In California, in 1982, the cost of foreign ballots exceeded \$1,200,000. Further, in most counties, use of the foreign language ballot is minimal.

Foreign language ballots are discriminatory; only Hispanic, Asian American, American Indian and Alaskan native languages are targeted for special treatment in the law.

Ballots printed only in English do not prevent citizens from voting; interpreters may be taken along for voting assistance.

Foreign language ballots are a disservice to our Hispanic and Asian citizens and to our nation.

The case against foreign language ballots is overwhelming. California is the first state in the nation to express its views on voting in foreign languages. The time has come to speak out on this issue. The administration and the Congress must understand that the opposition to foreign language ballots is deeply felt and widely shared.

The United States, a country of immigrants from other lands with different languages and cultures, has had the enriching experience of living with and learning from other cultures. We learn from each other because we are unified by a common language, English. We must preserve that unity.

We hope our California citizens will vote to uphold the unique status of our common language. Vote **YES** on Proposition 38.

**S. I. HAYAKAWA, Ph.D.**  
*United States Senator 1977-1982*

**J. WILLIAM OROZCO**  
*Businessman*

**STANLEY DIAMOND**  
*Chairman, California Committee for Ballots in English*

## Rebuttal to Argument in Favor of Proposition 38

Close to half the voting-age population did not even vote in the last presidential election. In light of this sad state of affairs, now is no time to discourage *any* American from casting an intelligent vote. But Proposition 38 does just that.

Proposition 38 supporters attack evils that don't exist. Their grossly inflated bilingual ballot costs can't be substantiated. Actually, as the San Francisco Registrar of Voters recently reported, "the cost of adding foreign translations to the sample and official ballots is negligible."

Similarly, their allegation of noncitizen voters is completely distorted and unfounded. Their "study" checked a total of three individuals. The more thorough Santa Clara study, however, found only one noncitizen voter out of 100 surveyed.

Bilingual ballots have long been successful in America. Since 1912 in New Mexico and since 1975 in Texas, California and elsewhere, they've propelled minority citizens into a meaningful role in the electoral process.

The Voting Rights Act protects *all* citizens from voting dis-

crimination, not just Hispanics and Asian Americans. Furthermore, laws in many states including California provide for Polish, Italian, Greek and other services in communities where they are necessary.

Voter pamphlets fairly provide both sides of a proposition straight from the registrar of voters. These materials free the voter from dependence upon an employer, neighbor, or relative for important election information.

Remember, Hispanics and Asians want to learn English to be fully integrated into the society. Don't prevent them from fulfilling their duties to vote as citizens.

Defeat Proposition 38.

**ROBERT MATSUI**  
*Member of Congress*

**ESTEBAN EDWARD TORRES**  
*Member of Congress*

**DON EDWARDS**  
*Member of Congress*

## Argument Against Proposition 38

We urge you to vote no on Proposition 38.

This initiative is an attack on one of America's most basic pieces of civil rights legislation—the Voting Rights Act—which enables all Americans to **EFFECTIVELY EXERCISE THEIR RIGHT TO VOTE—THE MOST FUNDAMENTAL RIGHT IN A DEMOCRACY.**

Before the Voting Rights Act was passed, Americans in many parts of this nation, including California, were effectively prevented from voting. Californians must not lead the way to change the federal law that protects the precious right to vote for millions of citizens throughout the country.

Proposition 38 would force the Governor to petition the President and the Congress to eliminate Voting Rights Act protections in California. This effort opens the door for other repeal efforts aimed at Voting Rights Act guarantees for black citizens.

Passage of Proposition 38 will unfairly prevent thousands of Americans who have difficulty with the English language from exercising their right to vote. It will deprive them of their say in the many governmental decisions that affect their daily lives.

Federal laws require only a fifth grade level of English to become a naturalized citizen. Voting assistance is especially necessary in California, where so many state and local propositions are written in such complex language that they confuse even native-born, English-speaking college graduates.

Bilingual ballot information is useful to new American citizens, **e**specially the elderly, whose English is strong enough to pass citizenship tests but who feel the ballot choices facing them deserve careful study in the language they know best.

Hispanics and Asian Americans want very much to learn English. It is one of the keys to economic advancement and social integration. That is why there are thousands of Hispanics and

Asians on waiting lists for English classes at the community colleges and night schools throughout California. Having a ballot in understandable terms on election day doesn't lessen the importance of English the other 365 days a year. In fact, bilingual ballots encourage assimilation by encouraging all citizens to participate in their government.

We must not deprive these citizens important election information so they can cast intelligent, responsible votes while they perfect their English. Eliminating the voters' pamphlet eliminates the only reliable source of unbiased election information.

Bilingual elections in California have proven to be cost effective. In Los Angeles they account for less than 2% of county election costs. In San Francisco they cost the average homeowner less than 3¢ annually. Santa Clara and San Diego Counties also document minimal costs.

California Republican and Democratic leaders such as President Reagan, President Ford, Representatives Burton, Berman, Dymally, Edwards, Goldwater, Senate President pro Tempore Roberti, Speaker Willie Brown, Mayors Bradley and Feinstein supported the bilingual election services when they were debated in Congress in 1975 and 1982. So did the League of Women Voters and AFL-CIO.

The Voting Rights Act makes California a state where all people can live and participate in government free from discrimination. Your no vote on Proposition 38 will keep it that way.

**ROBERT MATSUI**  
*Member of Congress*

**ESTEBAN EDWARD TORRES**  
*Member of Congress*

**DON EDWARDS**  
*Member of Congress*

## Rebuttal to Argument Against Proposition 38

Arguments against Proposition 38 seriously misrepresent the purpose of the English **ONLY** initiative. One opposition argument states that the initiative "is an attack on . . . the Voting Rights Act." This is inaccurate. Ballots in English **ONLY** is the goal of the initiative, the only goal.

An inference in the opposing argument is that black citizens' rights are threatened. This is nonsense. The language of black citizens is English.

The citizenship test for proficiency in English is dismissed as insignificant. Passing of the test was one of the proud experiences of other immigrants, the key to citizenship and participation in the life of their new country.

The opposition argument raises the issue of fairness. Most citizens rightly claim that multilingual ballots themselves are discriminatory and unfair, raising tensions and resentment.

The cost of multilingual ballots is over \$1,200,000 annually, an unconscionable waste.

Recently the Census Bureau eliminated most California counties from the federal requirement for multilingual ballots because they were unnecessary. That has been the position of this committee for two years. Any local attempts to restore multilingual ballots must be resisted.

California citizens, including Asians and Hispanics, overwhelmingly approve of English Ballots **ONLY**. The San Francisco initiative vote had the support of 62% of the voters—and volunteers in the statewide initiative gathered 628,000 signatures, qualifying this initiative for the ballot.

California must lead the nation in restoring the English ballot **ONLY**.

Let our vote be strong and clear.

**VOTE YES ON PROPOSITION 38—YES—YES—ON 38.**

**STANLEY DIAMOND**  
*Chairman, California Committee for Ballots in English*